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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,275	08/31/2000	Bruce A. Brandt	08049.009	3088
22852	7590	07/13/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			RODRIGUEZ, JOSEPH C	
		ART UNIT		PAPER NUMBER
				3653

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/652,275	BRANDT ET AL.
	Examiner Joseph C. Rodriguez	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-140 is/are pending in the application.
- 4a) Of the above claim(s) 1-36 and 71-140 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 37-70 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 August 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Final Rejection

Applicant's arguments filed 4/15/05 have been fully considered but they are not persuasive for reasons detailed below.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 37-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Uhl et al. ("Uhl") (US 6,292,709).

Regarding claims 37, 46, 47, 56-58, 67-70, Uhl teaches a method and system (Fig. 13; col. 9, ln. 33 et seq.) comprising a mail processing device (420); a first code reader (bar code reader 422) configured for determining that a first code has become illegible (i.e., unreadable); an identification code reader (423) configured for reading an identification code ("ID-Tag"; col. 10, ln. 2-7); and a processor executing sorter application software (inherent in control 421) communicating between the mail processing device (420) and an identification code server (419) using the identification code ("ID TAG") to obtain data corresponding to the mailpiece, wherein the data has

been stored in the server prior to the first code becoming illegible (col. 9, 34 et seq. teaching that ID tag is stored at 403). Here, the claimed method steps are inherent from the normal operation of the system, wherein reconstructing of the first code (i.e., address) can be regarded as retrieval of the address block information from the ID-tag server via the ID-tag as taught by Uhl (col. 9, ln. 33 et seq.). Further, it is implicit from the flow diagram (Fig. 13) that the sorter software is on a network and that information is "transmitted" back and forth from the server. Here, Uhl teaches applying an ID-tag to items which "cannot be evaluated online" (col 9, ln. 53- col. 10, ln.13), thus certain items with illegible barcode are given ID-tags. It logically follows that these items will also have illegible bar codes at the final sorting stage as an ID-tag is applied to these items rather than a bar code at the presorting stage, thus at the final sorting stage the bar code reader (422) will be unable to resolve the address and the system will resort to the identification code reader (423) to retrieve the pertinent address data via the code server (419) for items with illegible bar codes.

Regarding claims 38-45, 48-55 and 59-66 39, the mail-processing device, the identification code reader and the identification code server features are anticipated as set forth in the prior Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhl in view of Applicant's Admitted Prior Art and Mampe et al. ("Mampe") (US 4,992,649).

Uhl as set forth above teaches all that is claimed. However, under an alternative interpretation, Uhl may not expressly teach using an identification code to reconstruct an illegible first code without manual intervention. Applicant, however, already teaches the use of an item code in addition to a bar code for instances when the bar code becomes illegible (Spec., p. 4-6; see also Mampe col. 2, ln. 12 et seq.). Thus, one would have motivation—a redundant code in case of illegibility—to expressly modify Uhl's ID-tag system to apply an item code\ID tag *anytime* a bar code is used. Further, this redundant identification code could be accessed at any point in the sorting process via the network and associated data servers taught by Uhl. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Uhl with a redundant identification code to assist in code reconstruction.

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant's focus on the "without manual intervention" feature is misplaced. Uhl as cited above can be interpreted as anticipating this limitation. Uhl teaches that certain illegible mail items require ID-tags, that these ID-

tags are linked to the previously stored barcode information, and that the ID tag server is accessed to retrieve the bar code information. Thus, Uhl anticipates the limitation of "reconstructing the illegible first code using the received data without manual intervention" (claim 47). The operator assisted video processing cited by Applicant is also not relevant as Applicant's admitted prior art and Mampe teach that the item code is being applied as a redundant processing code even in instances when no operator assisted video processing is required. Thus, even if one interprets Uhl as using manual intervention, the prior art teaches the modification that the identification code is also useful in scenarios where manual intervention is not required. Therefore, in view of Uhl's teachings of a networked identification code server system and Mampe's teachings of an item code in addition to a bar code to aid in reconstruction, the claimed invention stands rejected.

Election/Restrictions

This application contains claims 1-36 and 71-140 drawn to an invention nonelected without traverse on 6/29/04. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment

necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

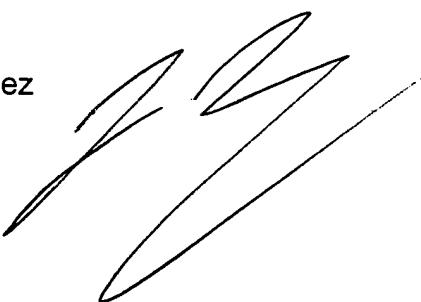
Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584**. Further, the supervisor's contact information is Donald Walsh, 571-272-6944.

Signed by Examiner Joseph Rodriguez

Jcr

July 8, 2005




DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
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